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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,054	07/05/2005	Didier Merletti	123395	7453
25944 7590 09/11/2008 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
PILKINGTON, JAMES				
ART UNIT		PAPER NUMBER		
3682				
MAIL DATE		DELIVERY MODE		
09/11/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/530,054

**Applicant(s)**

MERLETTI ET AL.

**Examiner**

JAMES PILKINGTON

**Art Unit**

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto, USP 6,892,481.

Yamamoto discloses a control handle comprising:

- a casing (2b) which delimits a cavity (internal space) within it
- at least one set point generator (3) comprising generator means (6) to deliver a set point signal and which are situated in the cavity of the casing (2b) and cursor-forming means (3a) which are situated on the surface of the casing (2b) and which are intended to be actuated by an operator, the value of the delivered set point signal being relative to the movement of the cursor-forming means (3a) to control the electrohydraulic device (C5/L13-15)
- a power electronic circuit board (9) which is integrated into the cavity of the casing (2b), this circuit board (9) converting the set point signal into a power signal whose power is greater than the power of the set point signal

and which is intended to be delivered to the electrohydraulic device  
(C7/L20-34)

- wherein the movement of the cursor-forming means (3a) of the set point generator (3) is independent of the movement of the handle
- wherein the movement of the cursor-forming means (3a) is linear (slide switch)
- wherein the movement of the cursor-forming means (3a) is rotary (the slide switch pivots C6/L29-48)
- wherein in that the value of the set point signal is proportional to the movement of the cursor-forming means (3a, movement of the slide causes a signal to generate, the greater of the movement the slide the greater the movement of the potentiometer the greater the signal output is
- wherein the electrohydraulic device comprises a pressure reducer (hydraulic cylinder)
- wherein the power signal is delivered directly to the electrohydraulic device (the signal levels control 9 and goes to the device being controlled)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto '481 in view of Thoman, USP 4,386,553.

Yamamoto discloses all of the claim limitations as applied above.

Yamamoto does not disclose that the power signal delivered by the handle is of the pulse width modulation type.

Thoman teaches a power signal of the pulse width modulation type for the purpose of providing a signal that can be generated by modern digital electronic controls and control a valve (regulator) at a number of different settings (C1/L18-29).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Yamamoto and provide a signal of the pulse width modulation type, as taught by Thoman, for the purpose of providing a signal that can be generated by modern digital electronic controls and control a valve at a number of different settings.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto '481 in view of Johnson, USP 5,675,609.

Yamamoto discloses all of the claim limitations as applied above.

Yamamoto does not disclose that the power signal delivered by the handle is of the prescribed superposition type.

Johnson teaches a power signal of the prescribed superposition type for the purpose of providing a signal that is compatible with a receiver that is equipped to

demodulate any type of continuous carrier modulation (superposition can be used with a wider range of receivers, C2/L1-6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Yamamoto and provide a power signal of the prescribed superposition type, as taught by Johnson, for the purpose of providing a signal that is compatible with a receiver that is equipped to demodulate any type of continuous carrier modulation (superposition can be used with a wider range of receivers).

***Response to Arguments***

6. Applicant's arguments filed 8/08/08 have been fully considered but they are not persuasive.

7. The Applicant argues that Yamamoto does not disclose a "power signal" since the signal in Yamamoto is a voltage signal.

The claim does not define the type of power signal being amplified. As broadly defined a voltage signal is indeed a type of electrical power signal.

8. The Applicant further argues that because Yamamoto is used in a gaming control system that the output is insufficient for an electrohydraulic device. However, the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of being used in electrohydraulic device, then it meets the claim and in this case Yamamoto could indeed be used to control an

electrohydraulic device. In addition Yamamoto does indeed disclose that the device can be used in hydraulic control systems, see C1/L10-21.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES PILKINGTON whose telephone number is (571)272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 3682

9/5/08

/Richard WL Ridley/

Supervisory Patent Examiner, Art Unit 3682